

HON. MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

INTERVAL LICENSING LLC,

Plaintiff,

v.

AOL, INC.,

Defendant.

Case No. 2:10-cv-01385-MJP

**JOINT STATUS REPORT  
REQUESTING ALTERATIONS TO  
SCHEDULE**

INTERVAL LICENSING LLC,

Plaintiff,

v.

APPLE, INC.,

Defendant.

CASE NO. C11-708-MJP

LEAD CASE NO. C10-1385-MJP

INTERVAL LICENSING LLC,

Plaintiff,

v.

EBAY INC.,

Defendant.

CASE NO. C11-709-MJP

LEAD CASE NO. C10-1385-MJP

**JOINT STATUS REPORT**  
(2:10-cv-01385-MJP – LEAD CASE)

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INTERVAL LICENSING LLC,

Plaintiff,

v.

FACEBOOK, INC.,

Defendant.

CASE NO. C11-710-MJP

LEAD CASE NO. C10-1385-MJP

INTERVAL LICENSING LLC,

Plaintiff,

v.

GOOGLE, INC.,

Defendant.

CASE NO. C11-711-MJP

LEAD CASE NO. C10-1385-MJP

INTERVAL LICENSING LLC,

Plaintiff,

v.

NETFLIX, INC.,

Defendant.

CASE NO. C11-712-MJP

LEAD CASE NO. C10-1385-MJP

INTERVAL LICENSING LLC,

Plaintiff,

v.

OFFICE DEPOT, INC.,

Defendant.

CASE NO. C11-713-MJP

LEAD CASE NO. C10-1385-MJP

INTERVAL LICENSING LLC,

Plaintiff,

v.

OFFICEMAX, INC.,

Defendant.

CASE NO. C11-714-MJP

LEAD CASE NO. C10-1385-MJP

INTERVAL LICENSING LLC,

Plaintiff,

v.

STAPLES, INC.,

Defendant.

CASE NO. C11-715-MJP

LEAD CASE NO. C10-1385-MJP

INTERVAL LICENSING LLC,

Plaintiff,

v.

YAHOO! INC.,

Defendant.

CASE NO. C11-716-MJP

LEAD CASE NO. C10-1385-MJP

INTERVAL LICENSING LLC,

Plaintiff,

v.

YOUTUBE, INC.,

Defendant.

CASE NO. C11-717-MJP

LEAD CASE NO. C10-1385-MJP

1 The Court's Order of April 29, 2011 Granting Severance and Consolidating Cases [Dkt.  
2 No. 229] granted defendants' motions for severance but consolidated the eleven actions for all  
3 pretrial proceedings and for trial. The Court also ordered that the current scheduling order in this  
4 case (C10-1385-MJP, Dkt. No. 178) will govern all eleven actions, but instructed the parties to  
5 meet and confer and file a joint status report as to what dates in the current scheduling order need  
6 to be amended or altered. The parties have conferred and agreed that certain dates should be  
7 adjusted, and have set forth proposed amendments to the existing scheduling order.

8 There are two categories of adjustments proposed.

9 First, the date for opening expert reports falls on the Monday after the Thanksgiving  
10 holiday. In view of the holiday, the parties request a one week adjustment of that date, as well as  
11 adjustments to the related expert dates. These adjustments do not change any other dates.

12 Second, the Order of April 29, 2011, consolidated the actions for all purposes including  
13 trial, but noted that "[t]he Court does not make any binding determination as to how it will run  
14 the trials in this matter. That issue will be decided later." Defendants each continue to object to  
15 consolidation for trial, and Interval continues to believe that consolidation for trial is appropriate.

16 The parties propose that issues relating to the structure of trial proceedings be addressed  
17 at the scheduled January 13, 2012 Status Conference, but the parties disagree on whether the  
18 existing trial dates should remain on the calendar in the interim.

19 Interval requests that all dates in the Scheduling Order, including the trial dates, remain in  
20 effect to preserve the trials on the Court's docket, which are currently scheduled in June and July  
21 2012. Removing the trial dates from the calendar would significantly increase the risk of  
22 delaying the trials, which would likely lead to increased costs for the parties and more work for  
23 the Court. The parties would meet and confer in advance of the January 13, 2012 Status  
24 Conference and submit a joint status report with suggested trial procedures by January 6, 2012.

25 Defendants request that the current dates for the for the Pretrial Order, the Pretrial  
26 Conferences, Trial Briefs, Voir Dire Questions, Proposed Jury Instructions, and Trial Exhibit  
27

Lists, and Trials be removed from the current schedule. The parties would meet and confer in advance of the January 13, 2012 conference, and submit a joint status report with suggested trial procedures and proposed dates for these deadlines by January 6, 2012.

**Suggested Adjusted Deadlines**

Event	Scheduled Date	Suggested Adjusted Date
Opening Expert Reports on all issues	11/28/2011	12/05/2011
Rebuttal Expert Reports Due	12/30/2011	01/06/2012
Complete all Expert Discovery	01/13/2012	01/25/2012
Joint Status Report to address trial issues		01/06/2012

DATED this 16th day of May, 2011.

/s/ Matthew R. Berry (with permission)

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 16, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing on all counsel who are deemed to have consented to electronic service.

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